

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 4-14, 16 and 18 are pending in the application, with claim 4 being the independent claims. Claims 1-3, 15 and 17 have been canceled without prejudice or disclaimer. Support for the subject matter of the amended claims is contained in the application as originally filed. For example, support for the amendment to claim 6 may be found on page 7 and in FIGS. 1, 6, 11 and 12. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

The Examiner made an objection to the drawings indicating that the flexible hinge (claim 6) must be shown or the feature must be cancelled from the claims. Claim 6 has been amended to remove reference to a flexible hinge. Applicant respectfully submits that the objection to the drawings is overcome by the accompanying amendment to claim 6.

Rejections under 35 U.S.C. § 112

The Examiner has rejected claim 6 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claim 6 has been amended to remove reference to a flexible hinge. Applicant respectfully submits that the rejection of claim 6 is overcome by the accompanying amendment thereto.

Rejections under 35 U.S.C. § 102 and 103***Claims 1-3, 15 and 17***

Claims 1-3, 15 and 17 have been cancelled without prejudice or disclaimer. Applicant respectfully submits that the Examiner's rejections of claims 1-3, 15 and 17 are overcome by the cancellation thereof.

Claims 4-14, 16 and 18

The Examiner has rejected claims 4-14, 16 and 18 under 35 U.S.C. § 102 and 103 as being anticipated by, or unpatentable over one or more of the following references: U.S. Patent No. 4,222,489 to Hutter ("Hutter"); U.S. Patent No. 3,468,675 to Beyer et al. ("Beyer"); and U.S. Patent No. 6,282,760 to Mars ("Mars"). The Hutter, Beyer and Mars patents, taken individually or combined, fail to teach or suggest the money clip of the present invention, as is called for by amended claim 4.

In regard to the novelty objection based on the Hutter patent, Applicant respectfully submits that claim 4 now recites a money clip having a first clasp portion (14) and a second clasp portion (12), in which the first clasp portion (14) has a movable first magnetic portion (22) including a magnetic material. The first magnetic portion (22) is moveable relative to the first clasp portion (14). For this purpose, the first clasp portion (14) is provided with an actuator portion (e.g., actuator 25) for movement of the first magnetic portion (22). The second clasp portion (12) also has a second magnetic portion (e.g., magnetic material 18, 19) including magnetic material. Movement of the first clasp portion (14) is between a closed position resulting in net attraction (See, e.g., FIG. 9) and an open position releasing the first and second clasp position (See, e.g., FIG. 12). It is submitted that claim 4 as recited distinguishes over Hutter because Hutter does not disclose that the first magnetic portion is moveable relative to the first clasp portion. Instead, in Hutter, both magnetic portions are affixed to the walls 10, 10' and are not moveable relative to the walls 10, 10'. Furthermore, Hutter does not disclose the use of an actuator in order to move a moveable first magnetic portion relative to the first clasp portion.

Claim 5 is also distinguished over Hutter on the basis of comments provided above for claim 4.

Claim 6 is also distinguished over Hutter on the basis of a floating hinge (e.g., pivot 16) being provided between the first and second clasp portions (14, 12). The floating hinge includes a hinge pin (38) journaled in apertures of the first and second clasp portions with one of the apertures being in the form of a slot (36). This arrangement has benefits over the interconnection provided by means of intermediate wall 12 in Hutter. The floating hinge arrangement of the present invention will accommodate an increasing thickness of materials between the two clasp portions without effecting the alignment of the magnetic portions. On the other hand, in Hutter as the thickness between the two clasp portions increases, the magnets change alignment so that as the thickness is increased to a certain extent, the magnets will repel one another and the clamping action will be completely ineffective (See, e.g., FIG. 2). Therefore, the present invention as claimed in claim 6 provides a superior arrangement to accommodate varying thickness of the material between the two clasp portions.

Moreover, Applicant respectfully submits that claim 10 is distinguished over Hutter on the basis that the first magnetic material is arranged in a band across the width of a first magnetic portion with the polarity reversing through the *thickness* of the band. The second magnetic portion has a similar arrangement of magnetic material. Nowhere in Hutter is it disclosed that the polarity of the magnetic material reverses through the thickness of the magnetic elements 2. In fact, the specification of Hutter appears to be silent as to how the magnetic polarity reverses, if indeed it does at all. Hutter is almost suggestive of anything but this arrangement. In particular, Hutter at column 4, line 36 indicates that the magnetic elements 2 may be considerably thinner which would appear to teach away from reversing polarity across their thickness. One likely possibility in Hutter is that the polarity reverses along the length of the magnetic elements. Such an arrangement would likely not function as well as the present invention because Applicant understands that there would be central regions in the magnetic elements 2 in which the magnetic attraction would not operate particularly effectively.

Claim 16 is also distinguished over Hutter on the basis of comments provided above for claim 4. Applicant submits that Mars does not account for the above-mentioned deficiencies of Hutter.

The Examiner has also relied on a combination of Hutter and Beyer with respect claims 7-9. Applicant submits that it would not be reasonable for a person skilled in the art to combine Hutter and Beyer to arrive at any of the combinations disclosed in the claims. In particular, the present invention is particularly concerned with money clips and problems associated with clamping a number of bills together in convenient portable fashion. Beyer is directed broadly to large receptacle closures. Mention is made of cabinet doors, refrigerator doors and other closures (*see* column 4, lines 1-6) and glove compartments (*see* column 2, lines 53-56). Applicant respectfully submits that a person skilled in the art of money clips would not search in the field of latches for cabinet doors and other closures. Furthermore, a person skilled in the art if they did locate the Beyer patent such person would not consider it as providing a useful solution to a small money clip readily carried in one's pocket. The closures mentioned and disclosed in the Beyer patent do not have two clasp portions in the context of the money-clip clasp portion recited in the claims. The closures disclosed by the Beyer patent only include a relatively large receptacle and a closure member for closing the opening of the receptacle. Such a closure and receptacle would not be appropriate for the clamping of bills, nor for the convenience carrying of bills on one's person, or in one's pocket. Therefore, a person skilled in the art on seeing this document would not see any similarity to the fundamental elements of a money clip and thus would not regard this document as being of any relevance.

Furthermore, it is argued that a person skilled in the art may also doubt the relevance of Hutter to money clips. It seems clear from the specification of Hutter that the clamping device disclosed in intended to be used by being attached to a support as set out in column 5, lines 16-24. Therefore, a person skilled in the art would see the clamping device in Hutter as having particular application to office and other filing requirements and thus may not necessarily see it is being relevant to a *portable* money clip. The claims have been limited to a money clip which inherently requires the device to be portable.

For at least these reasons, Applicant respectfully submits that the Hutter patent and the Beyer patent, taken individually or combined, do not anticipate or render obvious independent claim 4. Applicant submits that claims 4-14, 16 and 18, which depend from claim 4, are allowable over the cited art for at least the same reasons noted above.

It is noted that Applicant also respectfully traverses the Examiner's rejection based on the grounds that it would have been obvious "to utilize a stronger a stronger pintle secured hinge for the clasp of Hutter". Hutter's support 3 being flexible in and of itself would not require a mechanical hinge, much less a pintle. Should the Examiner maintain this rejection, Applicant respectfully requests citation of a reference in support of the Examiner's position. *See M.P.E.P.* § 2144.03.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Director is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 463881-00024; Docket No. 33528/US/RFT/VEJ).

PATENT

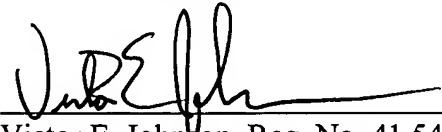
Attorney Docket No. 33528/US/RFT/VEJ
Application No. 10/656,506

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

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